

Mail Stop Interference  
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Paper 1  
Filed 14 July 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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PAUL J. **CARTER** AND LEONARD G. PRESTA  
Junior Party  
(Patent 6,639,055),

v.

JOHN ROBERT **ADAIR**, DILJEET SINGH ATHWAL,  
AND JOHN SPENCER EMTAGE  
Senior Party  
(Application No. 11/284,260),

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Patent Interference No. 105,762  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

### **Part B. Judge managing the interference**

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

### **Part D. Initial conference call**

**This interference is related to interference 105,744. In that interference Carter was authorized to file and has filed threshold motions on an expedited basis. A telephone conference call to discuss the possibility of the filing of threshold motions on expedited basis as well as any other motions the parties may wish to file in the present interference is set for 2:00 p.m. on 11 August 2010 (the Board will initiate the call).**

No later than **four business days** prior to that conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of any motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file. Because this interference is closely related to the 105,744 interference it is expected that the parties are familiar with the involved and benefit files and will be able to prepare motions lists by 11 August 2010.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period

lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

Junior Party

Named inventors: Paul J. Carter  
San Francisco, CA

Leonard G. Presta  
San Francisco, CA

Involved Patent: 6,639,055, issued 28 October 2003, from application  
09/705,686, which was filed 2 November 2000

Title: METHOD FOR MAKING HUMANIZED ANTIBODIES

Assignee: Genentech, Inc.

Senior Party

Named Inventors: John Robert Adair  
High Wycombe, United Kingdom

Diljeet Singh Athwal  
London, United Kingdom

John Spencer Emtage  
Marlow, United Kingdom

Involved Application: 11/284,260, filed 21 November 2005

Title: HUMANISED ANTIBODIES

Assignee: Celltech R & D Limited

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

Count 1

Carter wherein the site is 46L or claim 26 of Adair.

The claims of the parties are:

Carter: 1-3

Adair: 26

The claims of the parties which correspond to Count 1 are:

Carter: 1-3

Adair: 26

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

Carter: None

Adair: None

The parties are accorded the following benefit for Count 1:

Carter: 08/146,206, filed 17 November 1993, now patent 6,407,213  
issued 18 June 2002

07/715,272, filed 14 June 1991, now abandoned.

Adair: 08/846,658, filed 01 May 1997;

08/303,569, filed 07 September 1994, now patent 5,859,205  
on 12 January 1999;

07/743,329, filed on 17 September 1991;

PCT/GB90/02017, filed 21 December 1990; and

GB 8928874.0, filed 21 December 1989.

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see  
SO § 106.1.1:

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patent 6,639,055  
Copy of claims of 11/284,260

cc (via overnight delivery):

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